

Introduced by Senator Nielsen

February 19, 2014

An act to add Article 1.5 (commencing with Section 6033) to Chapter 5 of Title 7 of Part 3 of the Penal Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1097, as introduced, Nielsen. Corrections: Criminal Justice Reinvestment Assessment Grant Program of 2014.

Existing law requires the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified. Existing law requires the board, in consultation with certain individuals, including a county supervisor or county administrative officer, a county sheriff, and the Secretary of the Department of Corrections and Rehabilitation, to develop definitions of specified key terms in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based programs.

This bill would enact the Criminal Justice Reinvestment Assessment Grant Program of 2014. The bill would require the grant program to be administered by the Board of State and Community Corrections for the purpose of establishing and implementing reporting systems to identify and expand programs that provide proven, evidence-based, local programming opportunities for the successful reintegration of offenders into society.

The bill would authorize the board to award grants to assist counties with the creation or expansion of infrastructure that allows each county to consistently collect and report specified criminal justice information.

The bill would require each local community corrections partnership, on or before June 1, 2014, to report to the board on the county's capacity to collect and report the data required. The bill requires the board to review each assessment and to prioritize and award grants to the counties.

The bill would require each county to report specified data to the board, on or before January 1, 2015, and annually each year thereafter, pertaining to offenders sentenced as felons to serve in local correctional facilities and felons released from prison to community supervision. The bill would require the board to summarize these data and report the summaries to the Governor and the Legislature, on or before May 15, 2015, and annually thereafter.

By imposing data collection and reporting duties on local governments, this bill would impose a state-mandated local program.

The bill would appropriate an undetermined sum to the board for purposes of funding the grants. The bill would state findings and declarations of the Legislature regarding criminal justice realignment.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 1.5 (commencing with Section 6033) is
2 added to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

3
4 Article 1.5. Criminal Justice Reinvestment Assessment Grant
5 Program of 2014
6

7 6033. This article shall be known, and may be cited, as the
8 Criminal Justice Reinvestment Assessment Grant Program of 2014.

9 6033.2. The Legislature finds and declares all of the following:

1 (a) The Legislature is committed to reducing recidivism among
2 criminal offenders, ensuring that local governments have adequate
3 funding to achieve this goal, and facilitating the responsible
4 implementation of the criminal justice policies contained in the
5 2011 Realignment Legislation addressing public safety.

6 (b) By enacting the 2011 Realignment Legislation addressing
7 public safety, the Legislature affirmed its commitment to justice
8 reinvestment and stated that the purpose of justice reinvestment
9 is to manage and allocate criminal justice populations more
10 cost-effectively, generating savings that can be reinvested in
11 evidence-based strategies that increase public safety while holding
12 offenders accountable.

13 (c) The 2011 Realignment Legislation addressing public safety
14 represents a significant shift of responsibilities and may be the
15 largest criminal justice experiment in modern history. However,
16 the quick and unanticipated nature of the passage of this legislation,
17 in combination with broad county discretion in its implementation,
18 offers a unique and crucial opportunity to identify best practices
19 in community corrections and the impacts of correctional
20 decentralization.

21 (d) The 2011 Realignment Legislation addressing public safety
22 did not require counties to collect data on outcome measures, nor
23 did it provide specific resources for data collection that if
24 adequately funded and properly implemented would allow
25 policymakers, researchers, stakeholders, and counties to take
26 advantage of the historic opportunity to study and evaluate the
27 changing felon population and the strategies and interventions that
28 counties employ to reduce recidivism.

29 (e) The Bureau of State Audits' September 2013 High Risk
30 report identified the 2011 realignment of criminal justice
31 responsibilities between the state and counties as a "high-risk"
32 policy, citing a lack of "reliable and meaningful realignment data
33 to ensure [the state's] ability to effectively monitor progress toward
34 achieving intended realignment goals."

35 (f) It is the intent of the Legislature to fully fund the data
36 collection and reporting efforts required by this article. It is further
37 the intent of the Legislature that funding for these activities not
38 come from existing funding that supports the 2011 Realignment
39 Legislation addressing public safety.

1 6033.4. (a) The Criminal Justice Reinvestment Assessment
2 Grant Program of 2014, which is hereby established, shall be
3 administered by the Board of State and Community Corrections
4 for the purpose of establishing and implementing reporting systems
5 to identify and expand programs that provide proven,
6 evidence-based, local programming opportunities for the successful
7 reintegration of offenders into society. The board shall award grants
8 to assist counties with the creation or expansion of infrastructure
9 that allows each county to consistently collect and report criminal
10 justice information as required by Sections 6033.10 and 6033.12.

11 (b) For purposes of this article, “board” means the Board of
12 State and Community Corrections.

13 6033.6. (a) On or before June 1, 2014, each local community
14 corrections partnership established pursuant to Section 1230 shall
15 report to the board on the county’s capacity to collect and report
16 the data required by Sections 6033.10 and 6033.12. The report
17 shall include a local plan that identifies the additional resources
18 necessary for that county to consistently collect and report criminal
19 justice information as required by Sections 6033.10 and 6033.12.

20 (b) The board shall review each assessment submitted pursuant
21 to subdivision (a) and shall prioritize and award grants pursuant
22 to Section 6033.8. Funding shall be used to supplement, rather
23 than supplant, existing programs. Grant funds shall be used for
24 programs that are identified in the local plan submitted pursuant
25 to subdivision (a).

26 (c) The board shall submit to the Legislature on or before June
27 15, 2014, a report detailing the estimated need, cost, and schedule
28 for each county to consistently collect and report criminal justice
29 information as required by Sections 6033.10 and 6033.12. The
30 report shall be submitted in compliance with Section 9795 of the
31 Government Code.

32 6033.8. The board shall establish minimum standards, funding
33 schedules, and procedures for awarding grants, which shall take
34 into consideration, but not be limited to, all of the following:

35 (a) Size of the county.

36 (b) Demonstrated efforts to report data prior to January 1, 2016.

37 (c) Demonstrated ability to report data prior to January 1, 2016.

38 6033.10. (a) On or before January 1, 2015, and annually each
39 year thereafter, each county shall report specified data to the board
40 in a format prescribed by the board. The board shall specify and

1 define minimum required reporting which shall include, but not
2 be limited to, the following for each individual sentenced pursuant
3 to subdivision (h) of Section 1170:

- 4 (1) Individual identifiers.
- 5 (2) County identifiers.
- 6 (3) Date of birth.
- 7 (4) Gender.
- 8 (5) Race or ethnicity.
- 9 (6) Age at first arrest.
- 10 (7) Conviction offense.
- 11 (8) Sanction or sentence received.
- 12 (9) Total jail time served.
- 13 (10) Release status.
- 14 (11) Violations of probation.
- 15 (12) Rearrests.
- 16 (13) Reconvictions.
- 17 (14) Any other return to custody.
- 18 (15) Use of flash incarceration.
- 19 (16) Assessed risk level.
- 20 (17) Participation in pretrial programs.
- 21 (18) Participation in specialty court.
- 22 (19) Participation in day reporting release programs.
- 23 (20) Participation in electronic monitoring programs.
- 24 (21) Participation in community service release programs.
- 25 (22) Participation in work release programs.
- 26 (23) Participation in intensive probation supervision.
- 27 (24) Needs assessment.
- 28 (25) Any reentry programming provided.
- 29 (26) Participation in cognitive behavioral therapy.
- 30 (27) Participation in mental health treatment.
- 31 (28) Participation in substance abuse treatment.
- 32 (29) Participation in gender-specific programming.
- 33 (30) Participation in family programming.
- 34 (31) Any health care assistance provided.
- 35 (32) Any housing assistance provided.
- 36 (33) Any income support provided.
- 37 (34) Any employment assistance provided.
- 38 (35) Any vocational training assistance provided.
- 39 (36) Any educational enrollment assistance provided.
- 40 (37) Any mentoring programming provided.

1 (38) Any peer support programming provided.

2 (b) The board shall compile the local reports and, by May 15,
3 2015, and by May 15 of each year thereafter, make a report to the
4 Governor and the Legislature that summarizes the data reported
5 by the counties pursuant to subdivision (a). The report submitted
6 to the Legislature shall be submitted in compliance with Section
7 9795 of the Government Code.

8 6033.12. (a) On or before January 1, 2015, and annually each
9 year thereafter, each county shall provide specified data to the
10 board in a format prescribed by the board. The board shall specify
11 and define minimum required reporting which shall include, but
12 not be limited to, the following for each individual supervised
13 pursuant to Section 3451:

14 (1) Violations of postrelease community supervision.

15 (2) Rearrests.

16 (3) Reconvictions.

17 (4) Any other return to custody.

18 (5) Use of flash incarceration.

19 (6) Participation in intensive probation supervision.

20 (7) Any reentry programming provided.

21 (8) Participation in cognitive behavioral therapy.

22 (9) Participation in mental health treatment.

23 (10) Participation in substance abuse treatment.

24 (11) Participation in gender-specific programming.

25 (12) Participation in family programming.

26 (13) Any health care assistance provided.

27 (14) Any housing assistance provided.

28 (15) Any income support provided.

29 (16) Any employment assistance provided.

30 (17) Any vocational training assistance provided.

31 (18) Any educational enrollment assistance provided.

32 (19) Any mentoring programming provided.

33 (20) Any peer support programming provided.

34 (b) The board shall compile the local reports and, by May 15,
35 2015, and by May 15 of each year thereafter, make a report to the
36 Governor and the Legislature that summarizes the data reported
37 by the counties pursuant to subdivision (a). The report submitted
38 to the Legislature shall be submitted in compliance with Section
39 9795 of the Government Code.

1 6033.14. (a) The amount of _____dollars (\$_____) is hereby
2 appropriated from the General Fund to the board for the 2014–15
3 fiscal year for the purpose of implementing this article.

4 (b) The board may award up to the amount of the appropriation,
5 less the board’s administrative costs, not to exceed 5 percent of
6 the total grant funding awarded statewide, as individual grants not
7 exceeding _____to counties to assist in establishing data reporting
8 systems that will allow a county to consistently collect and report
9 criminal justice information as required by Sections 6033.10 and
10 6033.12.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.

16 SEC. 3. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the Constitution and shall go into
19 immediate effect. The facts constituting the necessity are:

20 In order ensure that relevant data pertaining to the 2011
21 Realignment Legislation addressing public safety are collected
22 and reported as soon as possible to allow stakeholders to measure
23 the effectiveness of this landmark change in public safety policy,
24 it is necessary that this bill go into immediate effect.